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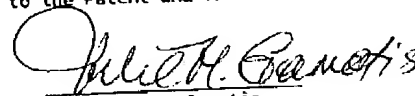
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Julie H. Gamotis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

VIA FACSIMILE: 703-872-9306

JAMES M. CANTONIS

Serial No.: 09/715,073

Art Unit: 1744

Filed: November 20, 2000

Examiner: L. Cole

For: ELONGATED CHAMOIS PAD

REPLY BRIEF

To the Commissioner of Patents and Trademarks

Sir:

In response to the Examiner's Answer mailed October 4, 2004,
kindly consider the following:

Reconsideration and reversal of the claim rejections are
respectfully requested.

applicant relies on, without repeating here, the arguments
presented in the Appeal Brief which spell out why the present
claims are patentable.

The Examiner counters Applicant's arguments by relying on
the Dictionary definitions for several claimed elements. While,
on the one hand, the Examiner argues that claim elements should
not require the specification for their interpretation and
limitations from the specification are not to be read into the

09/715,073

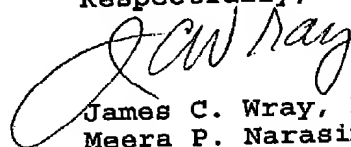
claims (see, for example, Examiner's Answer, page 11), on the other hand the Examiner relies on the Dictionary to pick and choose a single dictionary definition out of numerous meanings to reject the claimed invention (i.e., importing the meaning of claim terminology through extrinsic evidence).

Such a mutually contradictory stance should not provide legal basis for the rejections under the statutes: 35 U.S.C. §§ 102(b) and 103(a). Those statutory requirements dictate that the cited references must disclose, teach, suggest or inherently provide the claimed features, not the dictionary definitions which form the basis of the Examiner's rejections.

CONCLUSION

For the above reasons and for the reasons already presented in the Appeal Brief, reversal of the Examiner and allowance of all the claims are respectfully requested.

Respectfully,



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October 19, 2004